

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff	§	
	§	
v.	§	No. 4:22-cv-626
	§	Judge Mazzant
BITTREX, INC.;	§	
EXCEL TITLE GROUP, LLC;	§	
JASON M. FORGEY; and	§	
FORGEY LAW GROUP, PLLC,	§	
Defendants.	§	

COMPLAINT FOR INTERPLEADER AND INJUNCTIVE RELIEF

Plaintiff, the United States of America, by and through undersigned counsel, Brit Featherston, United States Attorney for the Eastern District of Texas, and Robert Austin Wells, Assistant United States Attorney, brings this complaint for interpleader and injunctive relief, pursuant to Rule 22 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 1335 and 2361, and states as follows:

INTRODUCTION

1. This Court has original jurisdiction over this civil action of interpleader pursuant to 28 U.S.C. § 1335(a).
2. Venue over this civil adversary proceeding is proper in the Eastern District of Texas pursuant to 28 U.S.C. § 1397 because at least one of the potential claimants resides within this district.
3. Plaintiff is the United States of America.

4. The Property in the possession of the United States is \$448,840.92 in United States Currency.

5. This action arises from the United States Secret Service's ("USSS") seizure of the Property on September 23, 2020, pursuant to the execution of a seizure warrant issued by this Court. The Property is currently in the custody of the USSS.

6. After receiving administrative notice of the seizure from USSS, Bittrex, Inc., Excel Title Group, LLC, Jason M. Forgey, and Forgey Law Group, PLLC filed administrative claims asserting an ownership interest in the Property.

7. On March 16, 2021, the United States filed a civil forfeiture complaint in the Sherman Division of the Eastern District of Texas. *See United States v. \$448,840.92 in United States Currency*, Case No. 4:21-cv-202-ALM (the "EDTX Civil Forfeiture Action").

8. Bittrex, Inc., Excel Title Group, LLC, Jason M. Forgey, and Forgey Law Group, PLLC all filed verified claims and answers in the EDTX Civil Forfeiture Action.

9. The government moved to dismiss the EDTX Civil Forfeiture Action in September 2021. Excel Title Group, LLC, Jason M. Forgey, and Forgey Law Group, PLLC opposed that motion. The Court initially denied the government's motion to dismiss.

10. In December 2021, the government moved for reconsideration of the Court's denial of the dismissal motion in the EDTX Civil Forfeiture Action.

11. On June 22, 2022, the Court granted the government's motion to dismiss conditionally provided that the government (1) file an interpleader action concerning the Property within 30 days; and (2) immediately move to deposit the disputed Property following filing of the interpleader action.

PROPERTY AND CLAIMANT DETAILS

12. Currently known adverse Potential Claimants are:

- (a) Bittrex, Inc.;
- (b) Excel Title Group, LLC;
- (c) Jason M. Forgey; and
- (d) Forgey Law Group, PLLC.

CONCLUSION AND REQUEST FOR RELIEF

13. By reason of these multiple Potential Claimants with diverse citizenship and with claims that are adverse to and independent of one another, Plaintiff is in doubt as to which Claimant may be entitled to the Property.

14. Plaintiff is able to deposit the Property into this Court's register in accordance with 28 U.S.C. § 1335(a)(2) and will file a motion with the Court to do so immediately following the filing of this Complaint.

WHEREFORE, the United States of America prays that this Court enter an order permitting the Government to deposit the Property with the Clerk of Court, pending judgment of the Court resolving this civil action; restrain each Potential Claimant from instituting any action against Plaintiff for recovery of the interpleaded Property; discharge Plaintiff from any and all liability in connection with the interpleaded Property; dismiss Plaintiff from this adversary proceeding; and grant Plaintiff such other and further relief as is just and property.

Respectfully submitted,

BRIT FEATHERSTON
UNITED STATES ATTORNEY

/s/ Camelia Lopez
CAMELIA LOPEZ
Assistant United States Attorney
State Bar No. 24036990
101 East Park Blvd., Suite 500
Plano, Texas 75074
(972) 509-1201
(972) 509-1209 (fax)
Camelia.Lopez@usdoj.gov

ROBERT AUSTIN WELLS
Assistant United States Attorney
Texas Bar No. 24033327
110 N. College, Suite 700
Tyler, TX 75702
Tel: (903) 590-1400
Fax: (903) 590-1436
Robert.wells3@usdoj.gov

ATTORNEYS FOR THE UNITED
STATES

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via electronic mail pursuant to agreement of counsel on this the 22nd day of July, 2022 as follows:

Bittrex, Inc.
c/o
Jean-Jacques Cabou
Matthew Koerner
PERKINS COIE LLP
2901 N Central Avenue
Suite 2000
Phoenix, Arizona 85012-2786
jjcabou@perkinscoie.com
MKoerner@perkinscoie.com

Excel Title Group, LLC
Jason M. Forgey
Forgey Law Group, PLLC
c/o
Susan Abbott Schwartz
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER, LLP
Bank of America Plaza
901 Main Street, Suite 4800
Dallas, Texas 75202
susan.schwartz@wilsonelser.com

/s/ Camelia Lopez
CAMELIA LOPEZ
Assistant United States Attorney